

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

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Criminal No. 14-562(CCC)

Vs.

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JOSELITO RIOS-GONZALEZ (14)

Defendant

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**MOTION TO REOPEN BAIL HEARING BECAUSE OF
DETERIORATING HEALTH CONDITIONS
AND FOR MEDICAL TREATMENT**

TO THE HONORABLE COURT:

COMES NOW defendant, through the undersigned attorney, and very respectfully states and prays as follows:

On September 29, 2014 the Court held the detention/ bail hearing in this case. Based on the circumstances of the time, the Court denied our request for bail. Circumstances have changed, however, in that the health of the defendant has deteriorated significantly. Defendant's diabetes and ulcers (due to diabetes) in his right foot have gotten worse and have incapacitated him to a point where the condition would be better treated outside of MDC. He has also lost vision since he has been imprisoned at MDC, particularly in his left eye. The severity of his present condition also reduces the risk of flight and takes care of any significant concern for dangerousness.

Defendant is forty-two years old and suffers from Type I Diabetes since approximately the age of twenty. In November of 2013 he suffered an accident in his right foot when hot water from a car radiator poured onto it. In January of 2014 he had his foot operated because he had a

bad infection and ulcers, and was about to lose it. At the time of his arrest and his bail hearing, his ill foot was swollen, but he could walk by limping. On January 23, 2014, when I last visited him at MDC, however, he came down in a wheel chair and his right foot was substantially swollen, dark, and bruised. Defendant informs that he had an ulcer eliminated from his foot recently and that his wounds are cleaned daily by MDC personnel, but that a medical doctor has not seen him in several months. He also has had significant loss of vision in his left eye. At MDC he is given the following medications: insulin, two times a day; Metformin 850 mg, twice daily; a pill for high blood pressure, once a day; and Neurontin 600 mg, twice daily for Diabetic Neuropathy. Within the last week, he has been injected an antibiotic three times because of his ill foot. His foot condition has deteriorated during the last two months.

We understand that defendant's medical conditions could be better treated outside of MDC. He could move with his mother and step father who live at Urb. Víctor Rojas II, Arecibo, P.R., outside of the PHP where the alleged conspiracy took place. Defendant's mother, Luz E. González, is approximately 58 years old and is retired. His step father, Juan Maldonado Velázquez, is a Police Officer with the Puerto Rico Police Department.

Defendant is charged with 21 U.S.C. § 841 and 18 U.S.C. § 924(c). He also has two state convictions in simple drug possession and distribution from 1994 and 1996; and weapons, and an "employment of violence against a public official" charges from 2003. We recognize that this creates a significant presumption of dangerousness and risk of flight against Mr. Ríos, however, the Court must consider that Mr. Ríos has lived all of his life in Puerto Rico, does not speak English, has no passport, and his history of convictions is more than twelve years old. Most importantly, Mr. Ríos medical condition is severe. The Court, thus, must assess the current risk of flight and potential dangerousness, given his alleged intervention as a Runner. We believe

that Mr. Ríos' medical conditions, with the treatment that he is receiving at MDC, unduly risks the loss of a foot or his vision. The undersigned is taking the steps to request Mr. Ríos' medical records at MDC. We also have requested medical records from the family which we hope to have available at the time of the hearing.

Defendant has had no disciplinary issues while imprisoned at MDC Guaynabo.

In the time being, we also respectfully request the Court to order BOP to have Mr. Ríos evaluated by an endocrinologist and a surgeon so that he may receive appropriate medical treatment and control his diseases.

WHEREFORE, we respectfully request that the Court grants the requested bail/detention hearing to consider the inmate's present circumstances, and to order that he be evaluated by an endocrinologist and a surgeon to evaluate and control his diseases.

RESPECTFULLY SUBMITTED

I HEREBY CERTIFY THAT on this same date we have electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will distribute copies of the foregoing document to all relevant parties.

In Guaynabo, Puerto Rico, this January 26, 2015.

S/ ARTEMIO RIVERA RIVERA
Artemio Rivera Rivera
USDC-PR 210114
90 Carr. 165, Ste. 309
Guaynabo, P.R. 00968-8058
Tel. 787-774-0600; Fax 787-774-0605
e-mail: art@sjlaw.com